



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 22, 2005

Date of Meeting: May 24, 2004

The Mayor and Council of the City of Tucson met in regular session, in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m. on Monday, May 24, 2004, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

James Keene	City Manager
Michael House	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Carol Chandler, United Methodist Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations

- a. Mayor Walkup and Vinnie Hunt, City of Tucson Energy Manager, announced that the City had received the following energy awards: The Southern Arizona Energy Award and the State of Arizona Governor's Award for Excellence were presented for the Tucson House Energy Star Project. The Governor's Award for Excellence, entitled "Sustainable Energy Standard the Easy Way" was presented for the El Rio Adult Education Center. Emily Nothingham, Community Services Director and Bruce Woodruff, from the Facilities, Design, and Management Department accepted the awards.
- b. Mayor Walkup proclaimed June 3, 2004 to be National Hunger Awareness Day. Carla Keegan of the Community Food Bank thanked the Tucson community for their support. She announced there would be a ribbon cutting ceremony for a two thousand five hundred square foot freezer. Ms. Keegan urged the community to call the Community Food Bank if they knew anybody that was hungry.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 251, dated May 24, 2004, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Ronstadt announced he helped present at a Red Cross Volunteer Appreciation dinner acknowledging six hundred men, women and children who trained to help the community prepare to respond to all types of disasters. He announced the volunteer of the year was Alice Frieda.

Vice Mayor Ronstadt also announced that on Wednesday, May 19, 2004, Larry Augustus Ronstadt was born. He was seven pounds, ten ounces, and twenty and a half inches long.

- b. Mayor Walkup and members of the Council presented outgoing City Attorney Michael House with a commemorative book.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 252, dated May 24, 2004, would be received into and made a part of the record. He asked for the City Manager's report.

James Keene, City Manager, reported:

- a. As a result of the Development Services Department's recently completed program in Team Powered Service, the first in a series of educational seminars for the public would be held on Wednesday June 9, 2004 from 6:00 p.m. to 8:00 p.m. at the Woods Library. The title of the presentation is Zoning 101.
- b. The sold out Eagles concert would begin at the Tucson Convention Center at 8:00 p.m. this evening. Upcoming events at the Tucson Convention Center included Rod Stewart August 4, 2004, Harry Connick, Jr. July 20, 2004, Kenny Loggins July 27, 2004, John Fogerty August 2, 2004, and Weird Al Yankovich August 6, 2004. La Mesa RV, AEG Live, and the Tucson Convention Center had teamed up to help Ronald McDonald House. The rent from four RV's had been dedicated to Ronald McDonald House.
- c. The Transportation Department's Traffic Safe Kid Program recently completed its Spring schedule with more than one thousand six hundred third grade children participating and becoming traffic safe kids.
- d. The City's Gay, Lesbian, Bisexual and Transgender Commission distributed a video they created, "Hate Crimes and Domestic Violence in the GLBT Community". The video is to be used to train police officers responding to Domestic Violence and Hate Crimes incidents.
- e. On behalf of City Staff, Mr. Keene thanked outgoing City Attorney Michael House for his contribution to the City.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 250, dated May 24, 2004, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New Licenses

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| <ol style="list-style-type: none">1. BIRRIERIA LOS CUATES
4749 S. 12th Avenue
Applicant: Juan G. Armenta Alvarado
City 024-04, located in Ward 5
Series 12
Action must be taken by: June 4, 2004
Public Opinion: Protest filed
To be considered separately. | <p>Staff Recommendation</p> <p>Police: In Compliance
DSD: In Compliance
Revenue: In Compliance</p> |
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c. Special Events

1. COMITE DE FESTIVIDADES MEXICANAS Staff Recommendation
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero Police: In Compliance
City T049-04, located in Ward 1 DSD: In Compliance
Date of Event: June 12, 2004 Parks: In Compliance
2. TUCSON MUSEUM OF ART Staff Recommendation
140 N. Main Avenue
Applicant: Charlie E. Bodden Police: In Compliance
City T050-04, located in Ward 1 DSD: In Compliance
Date of Event: June 4, 2004
3. TUCSON MUSEUM OF ART Staff Recommendation
140 N. Main Avenue
Applicant: Charlie E. Bodden Police: In Compliance
City T051-04, located in Ward 1 DSD: In Compliance
Date of Event: June 12, 2004
4. OUR MOTHER OF SORROWS Staff Recommendation
1800 S. Kolb Road
Applicant: Thomas M. McGuire Police: In Compliance
City T053-04, located in Ward 4 DSD: In Compliance
Date of Event: June 4, 2004
June 5, 2004
June 6, 2004

To be considered separately.

Kathleen S. Detrick, City Clerk, announced that new license 5b1, Birrieria Los Cuates, had protests filed and should be considered separately. Licenses 5c1, 5c2, and 5c3 had recommendations for approval. Special Events license 5c4, Our Mother of Sorrows, had protests filed and should be considered separately. The appropriate motion would be to forward liquor license applications 5c1, 5c2, and 5c3 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup recognized Vice Mayor Ronstadt.

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, that liquor license applications 5c1, 5c2, and 5c3 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

Ms. Detrick announced the first liquor license application to be considered separately was 5b1 the Birrieria Los Cuates, 4749 S. Twelfth Avenue. It had a staff recommendation for approval. The applicant was present; however, protests had been filed. The protestor was present and the site was located in Ward 5.

Mayor Walkup recognized Council Member Leal.

Council Member Leal thanked the Mayor and Council and said he would like to invite the applicant to come forward and comment, before he invited the protestor from the neighborhood. He asked the applicant to please come forward.

Juan G. Armenta said he did not speak very much English. Council Member Ibarra volunteered to translate for Mr. Armenta.

Council Member Ibarra translated that Mr. Armenta applied for the liquor license to complement the food he was serving at his restaurant.

Council Member Leal called on Annabelle Nuñez from the National City Neighborhood Association.

Annabelle Nuñez said she was there to protest the license for Birrieria Los Cuates at 4749 S. Twelfth Avenue. She had submitted a letter of protest and she hoped the Council had a chance to review it. There were three areas of concern that the National City Neighborhood Association had for this particular location. She said she had the support of SNAPP, which was the South Side Neighborhood Association Presidential Partnership, as well as the Sunnyside Neighborhood Association.

The most important issue of concern was there were currently 12 liquor licenses within a half-mile radius of this location. Arizona Revised Statutes §4-201, item G, says a new applicant bears the burden of showing that public convenience requires and that the best interest of the community must be substantially served by the issuance of this license. Twelve were already functioning in a half-mile radius, so they did not believe another license was necessary in this area. Although it was a restaurant and he serves spicy food, there were plenty of restaurants that had liquor licenses within the area. To the association and the community this was overkill, and their concern was to maintain quality of life.

Ms. Nuñez said the other issue was the distance to residential homes. This particular location, was way off, and she said she forgot the amount of feet, off of Twelfth Avenue. They originally wanted a patio in the backyard although the Council had received an amendment to this particular license. The patio was no longer part of the license, but they were not guaranteed the patio could not have an extension. Even though now with the license as requested, the patio did not exist, it was within fifty feet of the neighboring homes and there was no alley. She asked the Council to bear that in mind.

She said she had to drive by the location, because she thought there was an alley; there was no alley, there were no walls. With a restaurant, she was concerned about where the garbage would be put. She said there was no location for a garbage container, and there was no guarantee they would put it in front of the business.

Council Member Leal thanked Ms. Nuñez and asked if there was anybody else that wanted to address this issue. Hearing no one, he said he thought the issue before the Council was clear as defined by State Statutes. It was incumbent upon the applicant to prove that convenience would be created, but as had been stated by the neighborhood, they already had twelve licenses in close proximity. It was already very convenient and very easy for people to get alcohol to drink. This area, like some other parts of town, has been concerned for some time about the concentration of liquor licenses in some areas, which creates a climate of disinvestment, creates a skid row kind of atmosphere, and destabilizes the community. For those reasons, he felt compelled to make a recommendation of denial for this liquor license and to forward it to the State Liquor Board.

It was moved by Council Member Leal, duly seconded, that in liquor license application 5b1, the Council forward a recommendation of denial to the State Liquor Board.

Mayor Walkup asked if there was further discussion.

Council Member Ibarra asked Mayor Walkup if he could explain to Mr. Armenta the outcome of the vote.

Council Member Ibarra asked Mr. Armenta to see him after the vote and he would explain the vote and what took place.

Mr. Armenta asked to address the council one more time.

Council Member Leal asked Council Member Ibarra if he would be good enough to explain the basis of the recommendation to Mr. Armenta so he could understand why.

Council Member Ibarra explained to Mr. Armenta that the recommendation of denial would be forwarded to the State Liquor Board so that they would not issue him a liquor license. The Council sends a recommendation to the State. It was not final. The State Liquor Board makes the final decision. He explained that he wanted to make sure Mr. Armenta understood. Council Member Ibarra said there were already twelve liquor licenses within one-half mile in proximity; the vicinity of the restaurant was too close to the residents; and since he was planning to have music, they questioned whether this was going to be a restaurant, bar or discotheque.

Council Member Ibarra explained that for this reason the neighborhood association was requesting they make the recommendation of denial to the State Liquor

Board. He stated to Mr. Armenta again that the Council does not make the final vote; the State Liquor Board would make it.

Council Member Ibarra translated to Mayor and Council that Mr. Armenta stated that the previous occupant had a liquor license but it was used for a bar, and he was applying for a series 12 license, which was only to complement the elements of the restaurant. He said the only reason Mr. Armenta proposed offering music would be for Mother's Day, Fathers' Day, or holidays. If customers wanted to listen to music, they would have the ability to do so, but it was not necessary for his business. He said there was not a speaker system or a discotheque system in there at all.

Council Member Leal stated it was mainly the concentration of activity, as opposed to the music, that was an issue, but mainly it was the further concentration of licenses in that area.

Council Member Ibarra translated for Council Member Leal to Mr. Armenta that Council Member Leal, who represented that area, felt it was not necessary to have another liquor license there, since there were already twelve liquor licenses in the area.

Council Member Ibarra translated for Mr. Armenta to Council Member Leal that again, he only wanted to complement the elements of his restaurant; the hours of business would be 9 a.m. to 6 p.m.; and this was his only shot.

Council Member Ibarra informed Mr. Armenta again, they were just making a recommendation to the state, and the final decision would be from the State Liquor Board. Council Member Ibarra asked Kathleen S. Detrick, City Clerk, if someone from her staff could contact Mr. Armenta to explain the process after the recommendation of denial was submitted to the State Liquor Board.

Mayor Walkup asked if there was anyone else who wanted to speak. Hearing no one, he asked for the vote.

The motion that in liquor license application 5b1, the Council forward a recommendation of denial to the State Liquor Board, carried by a voice vote of 7 to 0.

Ms. Detrick announced the next license to be considered separately was item 5c4, Our Mother of Sorrows annual fundraiser. She said the applicant had not checked in, but she did have letters of support and opposition filed. The license is located in Ward 4.

Mayor Walkup recognized Council Member Scott.

Council Member Scott asked if there were any protestors present.

There was no response.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, that liquor license 5c4, be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH P

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. ASSURANCE AGREEMENT: (S03-031) CROW CREEK SUBDIVISION LOTS 1 TO 6
 - 1. Report from City Manager MAY24-04-266 W3
 - 2. Resolution No. 19838 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-031 of a final plat for the Crow Creek Subdivision, Lots 1 to 6; and declaring an emergency.
- B. FINAL PLAT: (S03-031) CROW CREEK SUBDIVISION LOTS 1 TO 6
 - 1. Report from City Manager MAY24-04-254 W3
 - 2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- C. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE PLANNING AND ENGINEERING DESIGN OF THE PRINCE ROAD AND INTERSTATE 10 TRAFFIC INTERCHANGE
 - 1. Report from City Manager MAY24-04-256 W1 & W3
 - 2. Resolution No. 19831 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement with the State of Arizona for planning and engineering design of Prince Road and Interstate 10 Traffic Interchange; and declaring an emergency.
- D. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR FEDERAL FUNDS FOR CONSTRUCTION OF HARRISON ROAD, SPEEDWAY BOULEVARD TO OLD SPANISH TRAIL
 - 1. Report from City Manager MAY24-04-257 W2

2. Resolution No. 19832 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the State of Arizona and the City of Tucson for federal funds for construction of Harrison Road, Speedway Boulevard to Old Spanish Trail; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE STATE OF ARIZONA FOR THE EMERGENCY ROOM LINK-TUCSON PROGRAM
1. Report from City Manager MAY24-04-255 CITY-WIDE
 2. Resolution No. 19833 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement with the State of Arizona First Amendment for the Emergency Room Link-Tucson Program; and declaring an emergency.
- F. APPROVAL OF MINUTES:
1. Report from City Manager MAY24-04-262
- G. FINANCE: SALE OF SENIOR LIEN STREET AND HIGHWAY USER REVENUE BONDS, SERIES 2000-C (2004)
1. Report from City Manager MAY24-04-258 CITY-WIDE
 2. Ordinance No. 9956 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Senior Lien Street and Highway User Revenue Bonds, Series 2000-C (2004) in the principal amount of \$8,500,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2004 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement with respect to the Series 2004 Bonds; ordering the sale of the Series 2004 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2004 Bonds; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said as announced at the Study Session, the award for Item G was to Wachovia Securities PS Division.

H. FINANCE: SALE OF GENERAL OBLIGATION BONDS, SERIES 2000-D (2004)

1. Report from City Manager MAY24-04-259 CITY-WIDE
2. Ordinance No. 9955 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Bonds, Series 2000-D (2004), in the principal amount of \$15,000,000; providing for the sale thereof and the levy and collection of ad valorem taxes for the payment of the principal of and interest on the Bonds; providing certain terms, covenants and conditions relating to the Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent; authorizing the preparation and delivery of an Official Statement with respect to the Bonds; ordering the sale of the Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Bonds; ratifying certain acts heretofore taken by City Officials; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said as announced at the Study Session, the award for Item H was to Stone and Youngberg, LLC.

I. FINANCE: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2000-D (2004)

1. Report from City Manager MAY24-04-260 CITY-WIDE
2. Ordinance No. 9957 an ordinance relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Bonds, Series 2000-D (2004), in the principal amount of \$18,765,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2004 Bonds; appointing a Bond Registrar, Transfer Agent and Paying Agent for the Series 2004 Bonds; authorizing the preparation and delivery of an Official Statement with respect to the Series 2004 Bonds; ordering the sale of the Series 2004 Bonds; authorizing the execution and delivery of a Continuing Disclosure Undertaking with respect to the Series 2004 Bonds; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said as announced at the Study Session, the award for Item I was to Merrill Lynch & Company.

- J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT
1. Report from City Manager MAY24-04-263 CITY-WIDE
 2. Resolution No. 19834 relating to Intergovernmental Agreements; approving and authorizing the Amendment No. 6 to Intergovernmental Agreement between Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.
- K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE EL RIO NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager MAY24-04-248 W1
 2. Resolution No. 19835 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for the El Rio Neighborhood Reinvestment Project; and declaring an emergency.
- L. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PUEBLO GARDENS NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager MAY24-04-264 W5
 2. Resolution No. 19836 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for the Pueblo Gardens Neighborhood Reinvestment Project; and declaring an emergency.
- M. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SOUTH PARK NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager MAY24-04-265 W5
 2. Resolution No. 19837 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with Pima County for the South Park Neighborhood Reinvestment Project; and declaring an emergency.

N. FINANCE: CONTINGENCY FUND TRANSFER FOR MAGEE MIDDLE SCHOOL AND WHEELER ELEMENTARY SCHOOL FOR THE ODYSSEY OF THE MIND NATIONAL COMPETITION

1. Report from City Manager MAY24-04-267 CITY-WIDE
2. Resolution No. 19839 relating to finance; approving and authorizing the transfer of Six Hundred Dollars (\$600.00) from the Contingency Fund to Organization 001-183-1838-268, for the Odyssey of the Mind National Competition; and declaring an emergency.

This was a request by Council Member West and Council Member Scott.
Allocation of funds was as follows:

Council Member West - \$500 to Magee
Council Member Scott - \$100 to Wheeler

Item N was considered separately at the request of Council Members West and Scott.

O. ASSURANCE AGREEMENT: (S03-026) CASITAS DEL SOL ESTATES, LOTS 1 TO 121, BLOCKS 1 TO 9 AND COMMON AREAS "A", "B" AND "C"

1. Report from City Manager MAY24-04-272 W1
2. Resolution No. 19840 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-026 of a final plat for the Casitas Del Sol Estates Subdivision, Lots 1 to 121, Blocks 1-9, and Common Areas "A", "B" and "C"; and declaring an emergency.

P. FINAL PLAT: (S03-026) CASITAS DEL SOL ESTATES LOTS, 1 TO 121, BLOCKS 1 TO 9 AND COMMON AREAS "A", "B" AND "C"

1. Report from City Manager MAY24-04-269 W1
2. The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

Mayor Walkup asked for a motion.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through P, with the exception of Item N, which would be considered separately, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Consent Agenda Items A through P, with the exception of Item N, were declared passed and adopted by a roll call vote of 7 to 0.

N. FINANCE: CONTINGENCY FUND TRANSFER FOR MAGEE MIDDLE SCHOOL AND WHEELER ELEMENTARY SCHOOL FOR THE ODYSSEY OF THE MIND NATIONAL COMPETITION

1. Report from City Manager MAY24-04-267 CITY-WIDE
2. Resolution No. 19839 relating to finance; approving and authorizing the transfer of Six Hundred Dollars (\$600.00) from the Contingency Fund to Organization 001-183-1838-268, for the Odyssey of the Mind National Competition; and declaring an emergency.

This was a request by Council Member West and Council Member Scott.

Allocation of funds was as follows:

Council Member West - \$500 to Magee
Council Member Scott - \$100 to Wheeler

Council Members Scott and West called on students from Magee Middle School and Wheeler Elementary Schools to come forward to explain Odyssey of the Mind.

Jasmine Rogers, Aaron Green and Brandon Nelson from Wheeler came forward. Assistant Coach Peter Dewillow spoke on behalf of head Coach Marjorie Letson and gave an overview of Odyssey of the Mind. Students Jeanntte Carpenter, Natalie Finley, Kaitlyn Hull and Anna Lee Paterson from Magee came forward.

Council Member Dunbar stated she would like to contribute two hundred dollars to Magee and two hundred dollars to Wheeler.

Mayor Walkup also stated he would contribute two hundred dollars to Magee and two hundred dollars to Wheeler.

It was moved by Council Member Scott, duly seconded, to pass and adopt Item N with the contributions added by Mayor Walkup and Council Member Dunbar.

Mayor Walkup asked if there was any discussion. Hearing none, he called for a roll call vote on the motion.

Kathleen S. Detrick, City Clerk, said the total contributions are one thousand four hundred dollars.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Consent agenda Item N was declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He said there were a number of speakers.

- a. Jerry D’Paco addressed the Mayor and Council regarding the development of a “Dollar Store” in his neighborhood.
- b. John Laswick spoke on behalf of and in support of the artists formerly living in the Sangin Warehouse.
- c. John Kromko urged the Mayor and Council to consider all options when deciding on the fate of the Talk of the Town building and encouraged them to do the right thing.
- d. Joseph Baker encouraged the Mayor and Council to preserve the Thrifty Block.
- e. Sybil Needham suggested the Mayor and Council use the Talk of the Town building to encourage tourism in the downtown area.
- f. Bill Katzel challenged the Mayor and Council to earn a Platinum Award (reference being a Bicycle Friendly Community).
- g. George McFerron, Commission on Disability Issues Chairman, thanked the Mayor and Council for their support and asked them to please review the

Commission's Annual Report, which had been distributed to them the previous week and to call him with any concerns.

- h. Michael Toney spoke in support of the artists formerly living at the Sangin Warehouse and noted that he has commented several times that the Flandreau Bridge was a waste of time and money.
- i. Winston Watson read a letter to the Mayor and Council from Professor of Architecture, Harris Sobin urging preservation of the Talk of the Town building.
- j. Gretchen Luik urged the Mayor and Council to preserve the Talk of the Town building.
- k. Bill Christy spoke in support of preserving the Talk of the Town building.
- l. Joan O'Dwyer suggested to the Mayor and Council that the Talk of the Town building would make an excellent dinner theatre.
- m. Linda Bohlke addressed the Mayor and Council on behalf of the American Federation of State and County Municipal Employees (AFSCME) and urged the Mayor and Council to not privatize the collection of trash.
- n. Ray Figueroa urged the Mayor and Council to not balance the budget on the backs of City employees.
- o. Charlie Salas spoke in support of City employees and against the garbage fee.
- p. Steve Valencia spoke in opposition to any privatization of City services.
- q. Jesus Ibarra read a letter in opposition to privatizing trash pickup.

Mayor Walkup noted there were some cards leftover and that those people would have the opportunity to speak first at the next Mayor and Council meeting.

Council Member Leal said after listening to the earlier part of the hearing tonight the folks that were concerned about the Talk of the Town had been to the Mayor and Council for four to five meetings in a row and given their testimony and in particular the letter from Jerry Cannon, a structural engineer, and Harris Sobin, who was one of the most respected preservationists in Arizona. He thought the Mayor and Council should put this on the agenda for a Study Session and at least give them an opportunity to have one coherent discussion about this with the Council. New information had come forward and he asked that the Council consider this to be on the next Agenda Committee meeting.

8. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27) - RELATING TO WATER, BACKFLOW AND CROSS-CONNECTION CONTROL ORDINANCE

Mayor Walkup announced City Manager's communication number 268, dated May 24, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing with respect to the backflow and cross-connection control ordinance. He announced before the public hearing staff would make a brief presentation. He called on the City Manager.

James Keene, City Manager, called on David Modeer, Tucson Water Director, to make the staff recommendation.

Mr. Modeer explained there was a revision to an ordinance regarding backflow prevention that was first adopted in 1990, when the state adopted their requirements relative to protecting the water system from the potential of backflow.

In the fourteen years since it was passed, many things had changed in the backflow prevention area and the restrictions had become stronger over the years, policies had changed, technology had changed. Mr. Modeer suggested the revision of this ordinance be updated to the current conditions and practices that had developed over the years, to make changes to it that would allow for greater efficiency and application of the ordinance. Bringing it up to standards and allowing for the devices that were being utilized, more modern devices to be codified in the ordinance. The seventy-five dollar fee had not changed, it remained the same. This was a fee that was one hundred percent cost recovery for the efforts the department made in administering the program, their inspectors and the administrative fees that went along with that.

There were several significant efficiency changes. There were seventeen thousand backflow prevention customers, growing at about four percent per year. Staff had not been augmented since 1998. They had been able to do that by automating procedures and streamlining some activities that staff engaged in. Despite the fact there were that many customers, there were very few times when there was a necessity to disconnect the customer for not complying with the State Statute requirements.

For example, out of the seventeen thousand, in the last year there were about three hundred thirty eight to three hundred forty notices that went out for non-compliance. The end result because the staff works very closely with the backflow testers and the property owners, they actually only had to disconnect four to six customers out of seventeen thousand customers. They worked closely together so they would not have to disconnect customers, because it would be a burden on the department and the property owner. A couple other things in the ordinance would help in the future to keep the cost down and keep staffing levels down. Revised testing was sent out every day and that created a great deal of burden on the staff to keep track of those and to also be able to send them out on a daily basis. They were now going to be sending them out twice a month. They would be more automated and would allow them to keep their staff more efficient. They

would also eliminate the need to send these notices out by certified mail and he thought that was one of the complaints they received from some of the property owners and some of the property managers that they had to go down and sign for certified letters. They would get two letters of notice so they would be able to schedule their appointment to be tested.

They would continue with the program that allows licensed backflow testers to test and repair the devices, that was in accordance with State Statutes. It would not be necessary for them to be a general contractor in order to conduct repairs on a backflow device. That would not change in this process. One of the issues that came up during the process was that property managers would like to receive the notices at the same time that the financially responsible individual on the property does. Mr. Modeer said that by State Statute it had to go to the financially responsible person, they were the only ones who could be held responsible for not complying with the State laws relating to backflow prevention. He said they would try to work with the property managers to see if they could develop a way to notify them but it was a very difficult situation. Although some stay on for a long time, generally property managers change often and they receive no notice of that. So even if they were notifying the property manager, they may not be notifying the current property manager. They had not figured out a way around that but he said they would continue to work with the property managers' organization to see if they could find a solution.

Mr. Modeer stated they had worked closely with the backflow testers and a number of other organizations in reworking this ordinance. They kept those suggestions in mind as they revised the ordinance and had utilized many of their suggestions in the final ordinance. It had been reviewed by the Arizona Department of Environmental Quality and they had no other comments in regards to the ordinance. They believed they had addressed most of the issues that had come forward.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He said there were no request to speak cards and asked if anyone wished to address the Council.

Hearing no one, he recognized Vice Mayor Ronstadt.

(Note: Council Member Dunbar departed at 7:11 p.m.)

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 6 to 0, (Council Member Dunbar absent/excused) to close the public hearing.

Mayor Walkup asked if there was any further discussion and hearing none asked the City Clerk to read Ordinance 9976 by number and title only.

Ordinance 9976 relating to water; amending the Tucson Code Chapter 27, Water, by repealing Article V, Backflow Prevention and Cross-Connection Control and enacting a new Article V, Backflow Prevention and Cross-Connection Control; and declaring an emergency.

Mayor Walkup asked for a motion.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 9976.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: Council Member Dunbar

Ordinance 9976 was declared passed and adopted by a roll call vote of 6 to 0.

9. PUBLIC HEARING: TUCSON WATER MISCELLANEOUS FEES, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 270, dated May 24, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing with respect to the proposed changes in Tucson Water miscellaneous fees.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations and he had a number of cards and he asked the speakers to come forward when he called their name. He asked them to state their name, address, whether or not they lived in the city, and who they were representing and whether or not they were being paid.

Lori Lustig, representing the Southern Arizona Home Builders Association (SAHBA), said she was expecting to hear a City Manager's report, prior to being asked to speak. She delivered a copy of a letter to the Mayor and Council that brought SAHBA and the City of Tucson current on the status of this issue. She said she would not read the letter in its entirety, however she did summarize. SAHBA met with David Cormier and other City staff at two separate meetings. SAHBA was not opposed to the miscellaneous water fees. Another issue Ms. Lustig requested to appear on the record was the water system equity fee. A year ago when it was passed, one of the items as part of the motion was that it would be addressed again this year. It was understood that with Tucson

Water, the water system equity fee would be brought forward in the next fiscal year for purposes of recalculation. SAHBA understood that it could go up, it could down, and it could go no where. It could stay quite the same. They were in agreement that they would work together this fall on the water system equity fee and see where it would be for the next fiscal year. Ms. Lustig asked if anyone had any questions for her, she then asked Mr. Modeer to thank everyone at Tucson Water because they had been very helpful and now that she knew who was there and they knew her, she looked forward to a long and happy dialogue.

(Note: Council Member Dunbar returned at 7:18 p.m.)

Mayor Walkup asked if anyone else in the audience wished to address the Council. Hearing no one, he asked for a motion to close the public hearing

It was moved by Vice Mayor Ronstadt, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked the City Clerk to read Ordinance 9977 by number and title only.

Ordinance 9977 relating to water; amending certain portions of the Tucson Code, Chapter 27, Article I, In general, Section 27-9 Application for Service Required, Payment of Charges Prerequisite to Service, Deposits, Amount, Refund, Utility Service Bond; Chapter 27, Article II, Rates and Charges, Section 27-16.2, Permit for Construction Water, Section 27-30, Service Charge, Section 27-33, Monthly Potable Water Service Charges, Section 27-35, Charges for Installation of Water Service Connections, Section 27-37, Agreements for Construction of Water Facilities Authorized, Section 27-43, Charge when Meter Not Registering Properly; and declaring an emergency.

Mayor Walkup asked for a motion.

It was moved by Council Member Dunbar, duly seconded, to pass and adopt Ordinance 9977 and set June 28, 2004, as the effective date.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Scott, and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: Council Member Ibarra

Ordinance 9977 was declared passed and adopted by a roll call vote of 6 to 1, and June 28, 2004 was set as the effective date.

10. PUBLIC HEARING: FALSE ALARM ORDINANCE

Mayor Walkup announced City Manager's communication number 249, dated May 24, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing regarding the adoption of a new false alarm ordinance. He said before the public hearing, staff would make a brief presentation. He called on Mr. Keene.

James Keene, City Manager, called on Assistant Police Chief John Leavitt.

Assistant Chief Leavitt, announced there was an advisory task force put together at the direction of Mayor and Council to work out some of the issues the Tucson Police Department and the community had with alarm responses. The Chamber of Commerce and Ramon Gaanderse worked on this issue. He mentioned the modification of the existing ordinance that would meet the needs of the alarm industry, alarm users, businesses, residences and the police department. The big changes in the ordinance that would be most beneficial from the police department prospective included providing education that might help reduce false alarms. They would be able to reduce the number of free false alarms from five to three, which was a big issue because of the number of false alarms.

Assistant Chief Leavitt explained the ability to reduce the number of incoming calls to the call center through two-call verification. This was an industry standard in some communities and recommended by the Arizona Burglary and Fire Alarm Association as a possible remedy to solve problems. Basically, how it worked was, two phone numbers would be called before the police department was called when there was an activation at a house, which would probably eliminate half of the alarm problems. Technology had not kept up with the changes in alarm systems. Now, with call waiting in businesses and houses, the alarm company would call back with one number and get call waiting, which was no answer, then the police department would be dispatched and there was never any contact made. Tucson Police arrived at most business when the alarms go off, with the business representative from where the alarm went off not even aware that it went off and saying they were not called when in fact they were.

Assistant Chief Leavitt explained this was what he learned through the education process with the task force. This would also provide standardization in equipment installed in new systems throughout the community which would really help the police department. The new technologies in the last five years did not cost any more money on a new system when they were installed and this would require that people try to meet these standards. The time after the alarm was set and when the alarm goes off would be about forty-five seconds to a minute and that that would solve a lot of the problems according to the industry. Another big part of this issue was the licensure issue. He said he could not speak directly to that but announced that other members were present to discuss this issue as it was an important thing in the industry to license its representatives. Assistant Chief Leavitt introduced Ramon Gaanderse.

Ramon Gaanderse with the Tucson Metropolitan Chamber of Commerce thanked the Mayor and Council for giving the thumbs up to work and bring the community together with the alarm industry and the community at large. The most important thing Mr. Gaanderse gained was knowledge. He said from the beginning he was unaware of what the false alarms did to the City of Tucson and to the safety for the residents of Tucson. He mentioned he was there to speak on reducing the false alarm issue.

Mr. Gaanderse agreed that after hearing the budget constraints that face the City of Tucson this year; and the fact that the City of Tucson would like to put seventy one new police officers on the street; the issue was important because the number of false alarms could be eliminated and actually put police where the most important issues take place. Mr. Gaanderse thanked the committee for their help and mentioned he was not aware of the problem and the industry could speak for some of the changes that were proposed. The process was educational for him, the Chamber of Commerce, and the community. He also thanked Assistant Chief Leavitt and the Tucson Police Department for providing all the information the committee asked for and that the committee did meet once a month for nine to twelve months on Saturday mornings for a couple of hours. The committee wanted every piece of information they could get in order to help make this presentation. He agreed the changes were fair and the responsibility was not just on the business community or residence, but also on the Tucson Police Department and the alarm industry itself. Therefore, it was a shared responsibility across the City. Mr. Gaanderse said he was available for questions.

Mayor Walkup announced the public hearing would begin and that he had a number of cards.

Jon Sargent, representing and employed by ADT Security and Security Industry Alarm Coalition, said he was present to support the hard work of the Alarm Advisory Task Force and asked the Mayor and Council to pass the draft ordinance as written. The ordinance would reduce alarm dispatch requests to the police and ensure public safety. It would bring Tucson in line with other police departments in Arizona. As far as the licensing situation, it incorporates the reciprocal licensing agreement that was already in place and it was very economical for the City of Tucson.

Mr. Sargent explained that a company like ADT Security was already licensed through Phoenix and there would not be a lot of work process and paperwork with the City of Tucson to get employees licensed in Tucson. A simple reciprocal licensing agreement with Tucson would be filled out. The process ensured that employees had their background screening and were legally able to work in the city. A year ago ADT and the City of Tucson did not see eye to eye on this item and Mayor and Council had received letters from Mr. Sargent and people in the industry as well as from customers, the citizens of Tucson. The decision to allow this item to run its course through the task force was absolutely the best thing to do. He also agreed with Mr. Gaanderse's comment about the educational opportunity and ability to study what other cities had; their best practices, what works and what did not work.

Mr. Sargent mentioned that he found out there were seasons in Tucson after a year. ADT incorporated the best practices and methods and things used. They studied Tucson's needs and drawbacks and what the capabilities were and helped develop that into the best solution through the draft ordinance. Mr. Sargent mentioned he had spent thirty years in the industry and some had gone easy, some tough. He said this particular opportunity to work with the task force was exactly the way ADT liked, the way things worked out for the citizens. Mr. Sargent said he would not go into detail, but he explained that in the task force meetings they discovered there were always false alarms. When broken down and studied, there was a small portion of people that had caused the problem, the majority of people with alarms did not have problems. Therefore, you don't want to punish the people who were taking care of their own security by imposing an ordinance that would be unreasonable to them. This ordinance would not do that; it addressed the people with the problems and in an effective manner in a small ordinance. This ordinance did so in the last three pages. It was taken from the National Model Alarm Ordinance that was created by the National Burglar and Fire Alarm Association and the False Alarm Reduction Association, a national law enforcement association.

Mr. Sargent recalled a statement from Assistant Chief Leavitt regarding the introduction of enhanced call verification that ADT had already implemented in the State of Arizona. When the task force started it was decided to get it started in the state now so that they could see what the numbers were. It cut the number of calls of alarm companies requesting the police to be dispatched almost in half. They were seeing that as they rolled this out throughout the country in their company. It was a remarkable thing and they strongly recommended that it be implemented. Mr. Sargent said he enjoyed working through this item and providing information and asked Mayor and Council if they had any questions to ask.

Susan Brenton, Executive Director for the Arizona Burglar and Fire Alarm Association, said they were a statewide nonprofit organization representing security companies and she was also a member of the alarm advisory task force. Ms. Brenton commended Mayor and Council for an excellent job choosing the Metropolitan Chamber of Commerce as a lead. They did a wonderful job and Mr. Gaanderse did a great job as chairperson. The task force received great input from the industry, citizens and businesses. What the industry did was look at the studies done on a nationwide basis on how to reduce false alarms because every city was faced with this problem. As an industry, nationwide, they came up with a list of basic elements that needed to be in any alarm ordinance in order for it to be effective and work. Ms. Brenton was happy to report the task force reviewed the elements and adopted almost every one of them. The questions on the licensing issue, as an industry association, they totally supported the licensure of alarm companies. It was amazing how many citizens were shocked when they hear that the guy that just got out of prison yesterday could be walking in a home today in Tucson saying that he was a security company. Ms. Brenton explained there have been quite a few these days called "truck slammers" in the business.

She continued to explain about an issue up north a few years ago where a person advertised a free estimate for security, he would then go out to the home and see where

grandma's jewelry was and a week later he would be breaking in and stealing it. Ms. Brenton mentioned how important licensure was and with the reciprocal licensure that had already been adopted by the cities of Mesa, Chandler and Phoenix, it had made it a lot easier if a company was already licensed. They simply apply here for a reciprocal license or vice versa. Ms. Brenton stated that she believed in the background checks. As Jon Sargent mentioned, in the industry, it was less than twenty percent of alarm users causing over eighty percent of the false alarms. It was a shame that an ordinance was required for just fifteen percent of the people. Ms. Brenton was happy to answer any questions regarding the ordinance.

Brian Boyd, General Manager for Brinks Home Security, mentioned how great it was to see the open lines of communication and the common goal and he definitely approved.

Sam Hudspeth, said one of his concerns regarded the ordinance, licensing was the best thing, but he would like to see a differentiation between business alarms and residential alarms. Mr. Hudspeth explained that his point was that people would go away for a month and sometimes three or four months. When a neighbor was left as a call number and if someone were to kick a door in, the neighbors call and the police show up as a responder they then had to secure the property to make sure it was fine. But now since the door was kicked in, the neighbor would be responsible for the security of the premises. This would put an awful load on the neighbor and might lead to repercussions as far as what could be done and what should not be done. A little bit of scrutiny as to how these contracts were sold to homeowners and that a thorough explanation was given. Then they would understand that when somebody was assigned a call number and what was responsible and to make sure their alarm company explained to them exactly what they were getting into when they bought their alarms.

He was away for a month and his alarm went nuts. As a result, it was nothing but a false alarm but had it been a kick-in, his neighbors would have been loaded down with something they could not handle. There were snowbirds in Tucson that were gone six months at a time. Mr. Hudspeth said this was something to look at. Outside of that, it was a lot of work and a lot of fun and he sure learned a lot about burglar alarms in that little bit of time.

Greg Rice, owner of Young Alarm, said he had a very good time working on the task force and they got a lot done. He was really appreciative of it. Mr. Rice said they came up with a great ordinance, one that would have the police and burglar alarm owners, the City, and the Mayor and Council all working together in happiness instead of the divisive way they were at the beginning. It looked like a great ordinance, they worked very hard on it and he urged the Mayor and Council to pass it as written.

Bruce Kerr, said he was representing himself and employed by Protection One. He did not plan on speaking, but he heard there were some in the industry that were against this ordinance and he wondered why. It would do nothing but help the industry. Perhaps they were worried about being licensed, being found out they could not get that

license. He said the costs were not excessive so it should not be that. He just wanted to talk about his full support for it, he mentioned he did work on the task force also. He learned a lot from Assistant Chief Leavitt. He went on a police ride-along and learned even more. He said he worried about the officers that were responding to all the false alarms, taking them away from other things. Mr. Kerr explained the need for the ordinance, the need to cut down shoddy installations. He thanked the Mayor and Council.

Mayor Walkup asked if there was anyone else that wanted to speak on this subject. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 9975 by number and title only.

Ordinance 9975, relating to alarm companies and false alarms; amending Tucson Code Chapter 7 ("Businesses Regulated") by adding a new Article XXI ("Alarm Companies"), consisting of Sections 7-450 through 7-464; adding definitions and license requirements; specifying types of licenses; providing reciprocity for licenses issued by other Arizona municipalities; specifying required contents for license applications; requiring background investigations; establishing license fees, display requirements; and criteria and procedures for issuance, renewal, suspension, revocation, termination, cancellation, denial, and review of denial of licenses, and for application after denial, suspension or revocation; establishing penalties for violation of license provisions; amending Tucson Code Chapter 11 ("Crimes and Offenses") by amending Section 11-2, pertaining to false alarms, and subdividing and renumbering it as Sections 11-2.1 through 11-2.8; amending definitions, alarm operator's duties, prohibitions, and penalties; adding alarm business duties; repealing common cause exception; and declaring an emergency.

Mayor Walkup called on Council Member Scott.

Council Member Scott thanked Assistant Chief Leavitt for putting it together and then going through the public process. She also thanked the people that participated and explained that by sharing knowledge and information everyone came to a much better place than where they all started. She saluted them for the patience and effort to make it the best thing that could possibly come out.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 9975.

Council Member West said her concerns were about a man that called her that had an alarm system installed and he was setting it and it went off and the police responded right away, however he was still fined two hundred dollars. Council Member West questioned how the new ordinance worked as far as a grace period. She said she would

hate to see an elderly person on a fixed income pay a two hundred dollar fine which he had already paid.

Assistant Chief Leavitt explained the way it would work under the new ordinance. He said there would not be enforcement of the new ordinance until September 5, 2004. The idea was to allow everyone to get educated and the Tucson Police Department would be actively involved in the education program. He also explained that the licensure part would not take effect until the first of 2005. Assistant Chief Leavitt explained there would be a thirty-day grace period after installation if the proper protocol was followed by the reputable alarm company, and most of them were. They would inform the Tucson Police Department of a new installation and for thirty days there would be a grace period. He explained that if it were strictly a burglar alarm, on the third violation within a rolling year enforcement would be triggered and with the new ordinance there would be an opportunity to go to a school to learn how to use it. It would be taught jointly by the alarm industry and the police department, details were still being worked on. People are confused about systems they had bought, it would encourage them to be trained. He said the Tucson Police Department would try to prevent false alarms from occurring.

Council Member West explained a situation last summer regarding hundreds of letters she received from patrons of alarm systems that were being told that the police department was not responding. She requested comments from Assistant Chief Leavitt.

Assistant Chief Leavitt mentioned he had spent a lot of time answering those letters. He explained there was a fear in the industry that the City would go in the direction of some other cities. Some other cities had said not only would they not respond to alarms under any circumstances unless a burglary was found first, they don't even want to be called. In his perspective, this was a closed minded way of doing information based policing. He explained that Chief Miranda wanted to get all the information to make decisions about prioritizing. People heard verification in the industry and thought that the Tucson Police Department would go in the direction of other cities that did what they described. In fact, the Tucson Police Department did not have any intentions of doing that, however that was not communicated, until the past eleven months. People jumped to conclusions. So in fact, there was a middle ground between those cities and cities that respond to everything which was what the Tucson Police Department used to be. Assistant Chief Leavitt explained this was partially a communication problem and partially this was an uncharted territory problem.

Council Member West explained that receiving all those letters, and she was still getting calls, that it was extremely exasperating because people were afraid the Tucson Police Department would not respond. She thought the alarm companies had a real responsibility to inform their customers of the procedures in the new ordinance. She asked Assistant Chief Leavitt about the classes he mentioned.

Assistant Chief Leavitt confirmed that classes would be offered on the third violation.

Council Member West asked about education in relation to new installations.

Assistant Chief Leavitt responded that for new installations they could allow them to attend the same classes. In fact, that was one of the things they had been talking about. He said they could schedule the classes on a set date so they could advise a new customer.

Council Member West reiterated that she believed the alarm companies had a responsibility to educate their customers about the new procedures in the ordinance. She said she did not want to get any more of those frightened phone calls from elderly people who think the City was not going to respond. She stated the last question she had was related to Mr. Hudspeth's question. She thought his issues were germane. She wondered if there was any way to look at that and see if there was anyway to create some differentiation on that issue. She asked if they wanted to wait and come back.

Assistant Chief Leavitt responded they thought they had addressed it to the degree that they were able to. Part of his concerns were directed to the alarm companies and their making sure that they had informed people they had an option of contracting with a company that would take care of these problems. He went on to say there were alarm companies that had contracts with guard companies who would do that. There were alarm companies that would provide that service. He thought Mr. Hudspeth's biggest concern was that when people were buying an alarm that they knew their options. He stated they did what they could in the area of public education and they talked about what to look for. He believed those concerns could be addressed that way.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt stated his concerns were inline with what Council Member West had asked. He wondered what the reasoning was for not differentiating between residential and business alarms. He asked how that could be addressed.

Assistant Chief Leavitt responded he thought the biggest issue here was the alarm market for residences was not saturated and that it was for businesses. Most businesses had alarms because it was part of a responsible inventory management program. He stated that residences were just now getting into it. He said they saw for the first time in this last year that residential alarms overtook business alarms as a problem. Businesses tended to have a different kind of problem in that they had employees they train and could hold accountable and they had leverage over their employees to make sure they followed the rules. He stated they were generally more responsible alarm users than residential alarm users. Residential users, there were just going to be so many of them in the next five years, and he encouraged people to get an alarm, he thought that it was a very positive thing, not negative at all. On the other hand, he thought they needed to be held to the same standard because they required the same response. He said that a panic alarm at a residence would receive a very high level of police response, just like a business. He stated that was why they did not differentiate between the two. He

mentioned that each member of the committee might have had a different reason why they did not differentiate.

Vice Mayor Ronstadt stated he would like to see an evaluation over time, six months to a year. He thought each had different sets of issues and he was not sure that the ordinance fairly addressed the residential alarms and thought it would be appropriate to monitor it over time.

Mayor Walkup recognized Council Member Leal.

Council Member Leal asked if the fine for the false alarm was sixty five dollars.

Assistant Chief Leavitt clarified that there was actually two parts to the fine. There would be a fine and also a fee. The sixty five dollars was a number that the task force backed into as the cost of police response. At one point in the process, they discussed trying to collect those separately and through good advice from the City Attorney's Office they found out that would not work so they combined them together. The idea was to do a cost recovery, as well as a sanction, to prevent people from doing it in the future.

Council Member Leal asked if it escalated over time if the incidents increased.

Assistant Chief Leavitt replied that it did. He stated that there was a schedule in the ordinance itself that says exactly what it would be for the next several and it gets very expensive quickly.

Council Member Leal thanked Assistant Chief Leavitt and stated that he really appreciated everybody's contribution in helping to produce something that is viable.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal,
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Ordinance 9975 was declared passed and adopted by a roll call vote of 7 to 0.

11. PUBLIC HEARING: ALTERED DOG LICENSE FEE

Mayor Walkup announced City Manager's communication number 261, dated May 24, 2004, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed increase in the altered dog license fee. He said before the public hearing staff would be making a brief presentation. He called on Mr. Keene.

James Keene, City Manager, stated that this had been incredibly fast responsive staff work that had just been brought up a couple of weeks ago. So here they were.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations. He said there were no cards and asked if anyone in the audience wished to address the Council. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked the City Clerk to read Ordinance 9978 by number and title only.

Ordinance 9978 relating to animals and fowl; providing for an increase in the license fee for altered dogs; amending the Tucson Code by amending Section 4-82; and declaring an emergency.

Mayor Walkup asked for a motion.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 9978.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye:	Council Members Ibarra, West, Dunbar, Scott, and Leal; Vice Mayor Ronstadt and Mayor Walkup
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Nay:	None
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Ordinance 9978 was declared passed and adopted by a roll call vote of 7 to 0.

12. MEMORANDUM OF UNDERSTANDING: BETWEEN THE MAYOR AND THE CHAIRPERSON OF THE PIMA COUNTY BOARD OF SUPERVISORS REGARDING 1997 TRANSPORTATION BOND PROJECTS WITHIN THE CITY LIMITS (CONTINUED FROM MEETING OF MAY 17, 2004)

Mayor Walkup announced City Manager's communication number 271, dated May 24, 2004, would be received into and made a part of the record. He asked the City Clerk to read Resolution 19830 by number and title only.

Resolution 19830, relating to the 1997 Pima County Transportation Bond Program; ratifying and approving the Memorandum of Understanding between the Mayor of the City of Tucson and the Chairperson of the Pima County Board of Supervisors for seven 1997 Pima County Transportation Bond Program projects within the City limits; and declaring an emergency.

Mayor Walkup recognized Vice Mayor Ronstadt.

Vice Mayor Ronstadt knew everyone was very happy that day since the Governor came to Tucson and ceremonially signed the RTA legislation that would give the region the authority to move forward with regional transportation issues. He thought this resolution and Memorandum of Understanding was very important, at least ceremonially, in terms of indicating that we would want to see cooperation between jurisdictions, obviously the community would want to see that as well. He stated he would be supporting it, but he thought that in fairness, they needed to recognize that this Memorandum of Understanding had absolutely no authority or certainty in terms of actually guaranteeing that these projects would be done. He said that the basis for his supporting this was that it anticipates Intergovernmental Agreements to solidify this between the City and the County. The most critical piece of the resolution was the calling for Intergovernmental Agreements in order to make this agreement between the Mayor and Chairman Bronson real.

Mayor Walkup asked for a motion.

It was moved by Vice Mayor Ronstadt, duly seconded, to pass and adopt Resolution 19830 and to request the County amend the 1997 Transportation Bond Implementation Plan Ordinance to fully fund the projects as listed in the Memorandum of Understanding and to direct staff to work with Pima County to prepare the appropriate Intergovernmental Agreements for actual implementation.

Mayor Walkup asked if there was any discussion.

Council Member Leal thanked Chairwoman Bronson, the Mayor, and staff for working on this for some time. He thought that it was a basis for building a relationship. He also thought that some of this might have to go on the ballot for the voters. He said he was talking about the Grade Separated Intersection for Kino and Twenty Second Street. He said if that should not pass he would like to have that money spent to widen Twenty

Second Street. His preference would be that Twenty Second Street be widened, but should this not work out then they would have the opportunity to discuss that.

Hearing no further discussion, Mayor Walkup asked for a roll call vote on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal;
Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Resolution 19830 was declared passed and adopted by a roll call vote of 7 to 0.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced City Manager's communication number 253, dated May 24, 2004, would be received into and made a part of the record. There were no appointments at this time.

6. CONSENT AGENDA ITEM N

Kathleen Detrick, City Clerk, announced that before they adjourned, she desired to revisit Consent Agenda Item N to clarify the intention of the Council in adopting the resolution. She said it was her understanding that the five hundred dollars from the contingency fund from Ward 2 was to go to the students participating in the Odyssey of the Mind National competition who were from Magee. She also wanted to clarify that the Ward 4 amount of one hundred dollars was to go to the students who were participating from Wheeler and that the other contributions that were announced were evenly divided.

Mayor Walkup confirmed that was correct.

14. ADJOURNMENT 8:00 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held Monday, June 7, 2004 at 5:30 p.m., in the Mayor and Council Chambers in City Hall, 255 W. Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 24th day of May, 2004, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:cf/bp